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7 Attorneys for United States of America

8 UNITED STATES DISTRICT COURT  
9 NORTHERN MARIANA ISLANDS

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11 )  
12 UNITED STATES OF AMERICA, )  
13 )  
Plaintiff, )  
14 )  
v. )  
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SUN, WEI QIN )  
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Defendant. )  
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Case No.: 07-00009

GOVERNMENT'S PROPOSED  
JURY INSTRUCTIONS

Jury Trial: October 15, 2007  
Time: 9:00 a.m.  
Judge: Hon. Alex R. Munson

20 The government hereby submits the attached proposed jury instructions in the above-  
21 captioned case, reserving the right to amend such instructions if necessary.  
22

23 LEONARDO M. RAPADAS  
United States Attorney

25 DATED: 10/8/07

26 \_\_\_\_\_/s/\_\_\_\_\_  
ERIC S. O'MALLEY  
Assistant U.S. Attorney  
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1     **1.     FUNCTION OF JURY**

2             MEMBERS OF THE JURY, NOW THAT YOU HAVE HEARD ALL OF THE  
3 EVIDENCE, IT IS MY DUTY TO INSTRUCT YOU ON THE LAW WHICH APPLIES TO  
4 THIS CASE. A COPY OF THESE INSTRUCTIONS WILL BE AVAILABLE IN THE JURY  
5 ROOM FOR YOU TO CONSULT.  
6

7             IT IS YOUR DUTY TO FIND THE FACTS FROM ALL OF THE EVIDENCE IN THE  
8 CASE. TO THOSE FACTS, YOU WILL APPLY THE LAW AS I GIVE IT TO YOU. YOU  
9 MUST FOLLOW THE LAW AS I GIVE IT TO YOU WHETHER YOU AGREE WITH IT OR  
10 NOT. YOU MUST NOT BE INFLUENCED BY ANY PERSONAL LIKES OR DISLIKES,  
11 OPINIONS, PREJUDICES, OR SYMPATHIES. THAT MEANS THAT YOU MUST DECIDE  
12 THE CASE SOLELY ON THE EVIDENCE BEFORE YOU. YOU WILL RECALL THAT  
13 YOU TOOK AN OATH PROMISING TO DO SO AT THE BEGINNING OF THE CASE.  
14

15             IN FOLLOWING MY INSTRUCTIONS, YOU MUST FOLLOW ALL OF THEM, AND  
16 NOT SINGLE OUT SOME AND IGNORE OTHERS; THEY ARE ALL EQUALLY  
17 IMPORTANT. YOU MUST NOT READ INTO THESE INSTRUCTIONS, OR INTO  
18 ANYTHING THE COURT MAY HAVE SAID OR DONE, ANY SUGGESTION AS TO  
19 WHAT VERDICT YOU SHOULD RETURN -- THAT IS A MATTER ENTIRELY UP TO  
20 YOU.  
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1 **2. THE UNITED STATES AS A PARTY**

2 YOU ARE TO PERFORM THE DUTY OF FINDING THE FACTS WITHOUT BIAS  
3 OR PREJUDICE AS TO ANY PARTY. YOU ARE TO PERFORM YOUR FINAL DUTY IN  
4 AN ATTITUDE OF COMPLETE FAIRNESS AND IMPARTIALITY. THE CASE IS  
5 IMPORTANT TO THE GOVERNMENT BECAUSE THE ENFORCEMENT OF CRIMINAL  
6 LAWS IS A MATTER OF PRIME IMPORTANCE TO THE COMMUNITY. EQUALLY, IT IS  
7 IMPORTANT TO THE DEFENDANT WHO IS CHARGED WITH SERIOUS CRIMES. THE  
8 FACT THAT THE PROSECUTION IS BROUGHT IN THE NAME OF THE UNITED STATES  
9 OF AMERICA ENTITLES THE GOVERNMENT TO NO GREATER CONSIDERATION  
10 THAN THAT ACCORDED TO ANY OTHER PARTY TO A CASE. BY THE SAME TOKEN,  
11 IT IS ENTITLED TO NO LESS CONSIDERATION. ALL PARTIES, WHETHER THE  
12 GOVERNMENT OR INDIVIDUALS, STAND AS EQUALS AT THE BAR OF JUSTICE.  
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1 **3. INDICTMENT IS NOT EVIDENCE**

2 THE INDICTMENT IS NOT EVIDENCE. THE DEFENDANT HAS PLEADED NOT  
3 GUILTY TO THE CHARGE. THE DEFENDANT IS PRESUMED TO BE INNOCENT AND  
4 DOES NOT HAVE TO TESTIFY OR PRESENT ANY EVIDENCE TO PROVE HER  
5 INNOCENCE. THE GOVERNMENT HAS THE BURDEN OF PROVING EVERY ELEMENT  
6 OF THE CHARGES BEYOND A REASONABLE DOUBT.  
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1 **4. RIGHT NOT TO TESTIFY**

2 A DEFENDANT IN A CRIMINAL CASE HAS A CONSTITUTIONAL RIGHT NOT  
3 TO TESTIFY. NO PRESUMPTION OF GUILT MAY BE RAISED, AND NO INFERENCE OF  
4 ANY KIND MAY BE DRAWN, FROM THE FACT THAT THE DEFENDANT DID NOT  
5 TESTIFY.  
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1 **5. PRESUMPTION OF INNOCENCE**

2 AS I TOLD YOU AT THE OUTSET OF THE TRIAL, THIS IS A CRIMINAL CASE  
3 IN WHICH THE DEFENDANT IS CHARGED WITH VIOLATING CERTAIN LAWS OF THE  
4 UNITED STATES. THE CHARGES, HOWEVER, ARE ONLY ALLEGATIONS. THE  
5 DEFENDANT IS PRESUMED TO BE INNOCENT OF THOSE CHARGES UNLESS AND  
6 UNTIL YOU, THE JURY, FIND BEYOND A REASONABLE DOUBT THAT THE  
7 DEFENDANT IS GUILTY OF ANY OFFENSE ALLEGED IN THE INDICTMENT.  
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1 **6. BURDEN OF PROOF**

2 IN A CRIMINAL CASE, THE GOVERNMENT ALWAYS HAS THE BURDEN OF  
3 PROOF. TO OVERCOME THE PRESUMPTION OF INNOCENCE AND PROVE THE  
4 DEFENDANT GUILTY OF AN OFFENSE, THE GOVERNMENT MUST PROVE BEYOND A  
5 REASONABLE DOUBT EACH AND EVERY ELEMENT OF THAT OFFENSE AS  
6 CHARGED IN THE INDICTMENT.  
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1 **7. REASONABLE DOUBT**

2 PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT LEAVES YOU  
3 FIRMLY CONVINCED THAT THE DEFENDANT IS GUILTY. IT IS NOT REQUIRED  
4 THAT THE GOVERNMENT PROVE GUILT BEYOND ALL POSSIBLE DOUBT.  
5

6 A REASONABLE DOUBT IS A DOUBT BASED UPON REASON AND COMMON  
7 SENSE AND IS NOT BASED PURELY ON SPECULATION. IT MAY ARISE FROM A  
8 CAREFUL AND IMPARTIAL CONSIDERATION OF ALL THE EVIDENCE, OR FROM A  
9 LACK OF EVIDENCE.  
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11 IF, AFTER A CAREFUL AND IMPARTIAL CONSIDERATION OF ALL THE  
12 EVIDENCE, YOU ARE NOT CONVINCED BEYOND A REASONABLE DOUBT THAT THE  
13 DEFENDANT IS GUILTY, IT IS YOUR DUTY TO FIND THE DEFENDANT NOT GUILTY.  
14 ON THE OTHER HAND, IF AFTER A CAREFUL AND IMPARTIAL CONSIDERATION OF  
15 ALL THE EVIDENCE, YOU ARE CONVINCED BEYOND A REASONABLE DOUBT THAT  
16 THE DEFENDANT IS GUILTY, IT IS YOUR DUTY TO FIND THE DEFENDANT GUILTY.  
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1 **8. EVIDENCE: WHAT IS EVIDENCE**

2 THE EVIDENCE FROM WHICH YOU ARE TO DECIDE THE FACTS OF THIS  
3 CASE ARE:

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- 5 1. THE SWORN TESTIMONY OF ANY WITNESS;
  - 6 2. THE EXHIBITS WHICH HAVE BEEN RECEIVED INTO EVIDENCE;
  - 7 3. ANY FACTS TO WHICH THE LAWYERS HAVE STIPULATED; AND
  - 8 4. ANY FACTS OF WHICH THE COURT HAS TAKEN JUDICIAL NOTICE.
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1 **9. EVIDENCE: WHAT IS NOT EVIDENCE**

2 IN REACHING YOUR VERDICT, YOU MAY CONSIDER ONLY THE EVIDENCE  
3 THAT THE COURT HAS RECEIVED, THAT IS, THE TESTIMONY, EXHIBITS, AND ANY  
4 STIPULATIONS. CERTAIN THINGS, HOWEVER, ARE NOT EVIDENCE AND YOU MAY  
5 NOT CONSIDER THEM IN DECIDING THE FACTS. I WILL LIST THEM FOR YOU:  
6

7 1. ARGUMENTS AND STATEMENTS BY LAWYERS ARE NOT EVIDENCE.  
8 THE LAWYERS ARE NOT WITNESSES. WHAT THEY SAY IN THEIR OPENING OR  
9 CLOSING STATEMENTS, AND AT OTHER TIMES, IS INTENDED TO HELP YOU  
10 INTERPRET THE EVIDENCE, BUT IT IS NOT EVIDENCE. IF THE FACTS AS YOU  
11 REMEMBER THEM DIFFER FROM THE WAY THE LAWYERS STATE THEM, YOUR  
12 MEMORY OF THEM CONTROLS.  
13

14 2. QUESTIONS AND OBJECTIONS BY LAWYERS ARE NOT  
15 EVIDENCE. ATTORNEYS HAVE A DUTY TO THEIR CLIENTS TO OBJECT WHEN  
16 THEY BELIEVE A QUESTION IS IMPROPER UNDER THE RULES OF EVIDENCE. YOU  
17 SHOULD NOT BE INFLUENCED BY THE QUESTION, THE OBJECTION, OR THE  
18 COURT'S RULING ON IT.  
19

20 3. TESTIMONY THAT HAS BEEN EXCLUDED OR STRICKEN, OR THAT YOU  
21 HAVE BEEN INSTRUCTED TO DISREGARD, IS NOT EVIDENCE AND MUST NOT BE  
22 CONSIDERED. IN ADDITION, SOME TESTIMONY AND EXHIBITS MAY HAVE BEEN  
23 RECEIVED ONLY FOR A LIMITED PURPOSE; WHERE I HAVE GIVEN A LIMITING  
24 INSTRUCTION, YOU MUST FOLLOW IT.  
25

26 4. ANYTHING YOU MAY HAVE SEEN OR HEARD WHEN THE COURT WAS  
27 NOT IN SESSION IS NOT EVIDENCE. YOU ARE TO DECIDE THE CASE SOLELY ON  
28 THE EVIDENCE RECEIVED AT THE TRIAL.

1 **10. EVIDENCE: DIRECT AND CIRCUMSTANTIAL**

2 THERE ARE TWO KINDS OF EVIDENCE, DIRECT AND CIRCUMSTANTIAL.  
3 DIRECT EVIDENCE IS DIRECT PROOF OF A FACT, SUCH AS TESTIMONY OF AN  
4 EYEWITNESS. CIRCUMSTANTIAL EVIDENCE IS INDIRECT EVIDENCE, THAT IS,  
5 PROOF OF A CHAIN OF FACTS FROM WHICH YOU COULD FIND THAT ANOTHER  
6 FACT EXISTS, EVEN THOUGH IT HAS NOT BEEN PROVED DIRECTLY. YOU ARE TO  
7 CONSIDER BOTH KINDS OF EVIDENCE. THE LAW PERMITS YOU TO GIVE EQUAL  
8 WEIGHT TO BOTH, BUT IT IS FOR YOU TO DECIDE HOW MUCH WEIGHT TO GIVE TO  
9 ANY EVIDENCE.  
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1 **11. CONSIDERATION OF THE EVIDENCE**

2 IN DECIDING THE FACTS IN THIS CASE, YOU MAY HAVE TO DECIDE WHICH  
3 TESTIMONY TO BELIEVE AND WHICH TESTIMONY NOT TO BELIEVE. YOU MAY  
4 BELIEVE EVERYTHING A WITNESS SAYS, OR PART OF IT, OR NONE OF IT.  
5

6 IN CONSIDERING THE TESTIMONY OF ANY WITNESS, YOU MAY TAKE INTO  
7 ACCOUNT:

- 8 1. THE OPPORTUNITY AND ABILITY OF THE WITNESS TO SEE OR HEAR  
9 OR KNOW THE THINGS THEY TESTIFIED TO;
- 10 2. THE WITNESS' MEMORY;
- 11 3. THE WITNESS' MANNER WHILE TESTIFYING;
- 12 4. THE WITNESS' INTEREST IN THE OUTCOME OF THE CASE AND ANY  
13 BIAS OR PREJUDICE;
- 14 5. WHETHER OTHER EVIDENCE CONTRADICTED THE WITNESS'  
15 TESTIMONY;
- 16 6. THE REASONABLENESS OF THE WITNESS' TESTIMONY IN LIGHT OF  
17 ALL THE EVIDENCE; AND
- 18 7. ANY OTHER FACTORS THAT BEAR ON BELIEVABILITY.  
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20 THE WEIGHT OF THE EVIDENCE AS TO A FACT DOES NOT NECESSARILY  
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22 DEPEND ON THE NUMBER OF WITNESSES WHO TESTIFY.  
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1 **12. EVIDENCE: STATEMENTS BY DEFENDANT**

2 YOU HAVE HEARD TESTIMONY THAT THE DEFENDANT MADE CERTAIN  
3 STATEMENTS. IT IS FOR YOU TO DECIDE:

- 4
- 5 1. WHETHER THE DEFENDANT MADE ANY STATEMENT; AND
  - 6 2. IF SO, HOW MUCH WEIGHT TO GIVE IT.

7 IN MAKING THOSE DECISIONS, YOU SHOULD CONSIDER ALL OF THE  
8 EVIDENCE ABOUT THE STATEMENT, INCLUDING THE CIRCUMSTANCES UNDER  
9 WHICH IT MAY HAVE BEEN MADE.

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1 **13. TRIAL ON CHARGES IN THE INDICTMENT**

2 THE DEFENDANT IS ON TRIAL ONLY FOR THE CRIMES CHARGED IN THE  
3 INDICTMENT, NOT FOR ANY OTHER ACTIVITIES. YOUR DETERMINATION MUST BE  
4 MADE ONLY FROM THE EVIDENCE IN THE CASE. YOU SHOULD CONSIDER  
5 EVIDENCE ABOUT THE ACTS, STATEMENTS, AND INTENTIONS OF OTHERS, OR  
6 EVIDENCE ABOUT OTHER ACTS OF THE DEFENDANT, ONLY AS THEY RELATE TO  
7 THESE CHARGES AGAINST THIS DEFENDANT.  
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1 **14. COUNT ONE--CONSPIRACY: ELEMENTS OF THE OFFENSE**

2 THE DEFENDANT IS CHARGED IN COUNT ONE OF THE INDICTMENT WITH  
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4 CONSPIRING TO COERCE AND ENTICE A PERSON TO TRAVEL IN FOREIGN  
5 COMMERCE FOR PROSTITUTION AND TO TRANSPORT A PERSON IN FOREIGN  
6 COMMERCE IN EXECUTION OF A FRAUD SCHEME. IN ORDER FOR YOU TO FIND  
7 THE DEFENDANT GUILTY OF THIS CHARGE, THE GOVERNMENT MUST PROVE  
8 EACH OF THE FOLLOWING ELEMENTS BEYOND A REASONABLE DOUBT:  
9

10 *FIRST, BEGINNING ON OR ABOUT OCTOBER 2006, AND ENDING ON OR ABOUT*  
11 *MAY 2007, THERE WAS AN AGREEMENT BETWEEN TWO OR MORE PERSONS TO*  
12 *COMMIT AT LEAST ONE CRIME AS CHARGED IN THE INDICTMENT;*

13 *SECOND, THE DEFENDANT BECAME A MEMBER OF THE CONSPIRACY*  
14 *KNOWING AT LEAST ONE OF ITS OBJECTS AND INTENDING TO HELP*  
15 *ACCOMPLISH IT; AND*

16 *THIRD, ONE OF THE MEMBERS OF THE CONSPIRACY PERFORMED AT LEAST*  
17 *ONE OVERT ACT FOR THE PURPOSE OF CARRYING OUT THE CONSPIRACY,*  
18 *WITH ALL OF YOU AGREEING ON A PARTICULAR OVERT ACT THAT YOU FIND*  
19 *WAS COMMITTED.*

20 I SHALL DISCUSS WITH YOU BRIEFLY THE LAW RELATING TO EACH OF  
21 THESE ELEMENTS. A CONSPIRACY IS A KIND OF CRIMINAL PARTNERSHIP--AN  
22 AGREEMENT OF TWO OR MORE PERSONS TO COMMIT ONE OR MORE CRIMES. THE  
23 CRIME OF CONSPIRACY IS THE AGREEMENT TO DO SOMETHING UNLAWFUL; IT  
24 DOES NOT MATTER WHETHER THE CRIME AGREED UPON WAS COMMITTED.

25 FOR A CONSPIRACY TO HAVE EXISTED, IT IS NOT NECESSARY THAT THE  
26 CONSPIRATORS MADE A FORMAL AGREEMENT OR THAT THEY AGREED ON  
27 EVERY DETAIL OF THE CONSPIRACY. IT IS NOT ENOUGH, HOWEVER, THAT THEY  
28 SIMPLY MET, DISCUSSED MATTERS OF COMMON INTEREST, ACTED IN SIMILAR

1 WAYS, OR PERHAPS HELPED ONE ANOTHER. YOU MUST FIND THAT THERE WAS A  
2 PLAN TO COMMIT AT LEAST ONE OF THE CRIMES ALLEGED IN THE INDICTMENT  
3 AS AN OBJECT OF THE CONSPIRACY WITH ALL OF YOU AGREEING AS TO THE  
4 PARTICULAR CRIME THAT THE CONSPIRATORS AGREED TO COMMIT.  
5

6 ONE BECOMES A MEMBER OF A CONSPIRACY BY WILLFULLY  
7 PARTICIPATING IN THE UNLAWFUL PLAN WITH THE INTENT TO ADVANCE OR  
8 FURTHER SOME OBJECT OR PURPOSE OF THE CONSPIRACY, EVEN THOUGH THE  
9 PERSON DOES NOT HAVE FULL KNOWLEDGE OF ALL THE DETAILS OF THE  
10 CONSPIRACY. FURTHERMORE, ONE WHO WILLFULLY JOINS AN EXISTING  
11 CONSPIRACY IS AS RESPONSIBLE FOR IT AS THE ORIGINATORS. ON THE OTHER  
12 HAND, ONE WHO HAS NO KNOWLEDGE OF A CONSPIRACY, BUT HAPPENS TO ACT  
13 IN A WAY WHICH FURTHERS SOME OBJECT OR PURPOSE OF THE CONSPIRACY,  
14 DOES NOT THEREBY BECOME A CONSPIRATOR. SIMILARLY, A PERSON DOES NOT  
15 BECOME A CONSPIRATOR MERELY BY ASSOCIATING WITH ONE OR MORE  
16 PERSONS WHO ARE CONSPIRATORS, NOR MERELY BY KNOWING THAT A  
17 CONSPIRACY EXISTS.  
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1 **15. COUNT ONE--CONSPIRACY: DURATION AND NATURE OF**  
2 **PARTICIPATION**

3 A CONSPIRACY MAY CONTINUE FOR A LONG PERIOD OF TIME AND MAY  
4 INCLUDE THE PERFORMANCE OF MANY TRANSACTIONS. IT IS NOT NECESSARY  
5 THAT ALL MEMBERS OF THE CONSPIRACY JOIN AT THE SAME TIME, AND ONE  
6 MAY BECOME A MEMBER OF A CONSPIRACY WITHOUT FULL KNOWLEDGE OF ALL  
7 THE DETAILS OF THE UNLAWFUL SCHEME, OR OF THE NAMES, IDENTITIES, OR  
8 LOCATIONS OF ALL OF THE OTHER MEMBERS.  
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1 **16. COUNT ONE--CONSPIRACY: AS CHARGED IN THE INDICTMENT**

2 YOU MUST DECIDE WHETHER THE CONSPIRACY CHARGED IN THE  
3 INDICTMENT EXISTED, AND, IF IT DID, WHO AT LEAST SOME OF ITS MEMBERS  
4 WERE. IF YOU FIND THAT THE CONSPIRACY CHARGED DID NOT EXIST, THEN YOU  
5 MUST RETURN A NOT GUILTY VERDICT ON THAT CHARGE, EVEN THOUGH YOU  
6 MAY FIND THAT SOME OTHER CONSPIRACY EXISTED. SIMILARLY, IF YOU FIND  
7 THAT THE DEFENDANT WAS NOT A MEMBER OF THE CHARGED CONSPIRACY,  
8 THEN YOU MUST FIND THE DEFENDANT NOT GUILTY, EVEN THOUGH THE  
9 DEFENDANT MAY HAVE BEEN A MEMBER OF SOME OTHER CONSPIRACY.  
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17. **COUNT TWO--COERCION AND ENTICEMENT TO TRAVEL IN FOREIGN  
COMMERCE FOR PROSTITUTION: ELEMENTS OF THE OFFENSE**

THE DEFENDANT IS CHARGED IN COUNT TWO OF THE INDICTMENT WITH  
PERSUADING, INDUCING, ENTICING OR COERCING A PERSON TO TRAVEL IN  
FOREIGN COMMERCE TO ENGAGE IN PROSTITUTION IN VIOLATION OF SECTION  
2422 OF TITLE 18 OF THE UNITED STATES CODE. IN ORDER FOR THE DEFENDANT  
TO BE FOUND GUILTY OF THAT CHARGE, THE GOVERNMENT MUST PROVE  
BEYOND A REASONABLE DOUBT:

*FIRST, THAT THE DEFENDANT KNOWINGLY PERSUADED, INDUCED, ENTICED,  
OR COERCED AN INDIVIDUAL TO TRAVEL IN FOREIGN COMMERCE, AND*

*SECOND, THE DEFENDANT INTENDED THAT THE PERSON WOULD ENGAGE IN  
PROSTITUTION OR IN ANY SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE  
CHARGED WITH A CRIMINAL.*

18. **COUNT TWO: DEFINITION OF PROSTITUTION OR OTHER ILLEGAL SEXUAL ACTIVITY**

TITLE 18, SECTION 2422 OF THE UNITED STATES CODE LOOKS TO LOCAL OR STATE LAWS FOR DEFINITIONS OF “PROSTITUTION” AND “CRIMINAL SEXUAL ACTIVITY. THE PERTINENT PARTS OF THE C.N.M.I.’S LAWS ARE AS FOLLOWS:

1. TITLE 6, SECTION 1342 OF THE C.N.M.I. CODE PROHIBITS PROSTITUTION, PROMOTING PROSTITUTION, PERMITTING PROSTITUTION, SEXUAL EXPLOITATION OF ANY PERSON, OR THE EMPLOYMENT OF ANY PERSON FOR THE PURPOSE OF OFFERING OR PROVIDING SEXUAL SERVICES FOR PAY.
2. “PROSTITUTION” IS WHEN A PERSON ENGAGES OR AGREES OR OFFERS TO ENGAGE IN SEXUAL CONDUCT WITH ANOTHER PERSON FOR A FEE.
3. “PROMOTING PROSTITUTION” IS WHEN A PERSON ADVANCES PROSTITUTION OR PROFITS FROM PROSTITUTION. A PERSON ADVANCES PROSTITUTION IF THEY CAUSE OR AID A PERSON TO ENGAGE IN PROSTITUTION, OR ASSISTS IN THE OPERATION OF A HOUSE OF PROSTITUTION, OR DOES ANYTHING TO FACILITATE AN ACT OF PROSTITUTION.
4. “PERMITTING PROSTITUTION” IS WHEN A PERSON OWNS OR CONTROLS A PREMISES, AND KNOWING THAT PREMISES IS BEING USED FOR PROSTITUTION, FAILS TO MAKE A REASONABLE EFFORT TO REPORT, HALT OR ABATE SUCH USE.

1 C.N.M.I. LAW CONTAINS SOME ADDITIONAL DEFINITIONS THAT MAY  
2 PROVIDE GUIDANCE WHEN DETERMINING WHETHER THE ACTIVITY ALLEGED BY  
3 THE GOVERNMENT IS PROSTITUTION OR OTHER CRIMINAL SEXUAL ACTIVITY.  
4  
5 THOSE DEFINITIONS ARE AS FOLLOWS:

- 6 1. "SEXUAL CONDUCT" MEANS SEXUAL INTERCOURSE, "SEXUAL  
7 CONTACT," OR "SEXUAL SERVICES".  
8
- 9 2. "SEXUAL CONTACT" MEANS ANY TOUCHING OF THE SEXUAL OR  
10 INTIMATE PARTS OF A PERSON DONE FOR THE PURPOSE OF  
11 GRATIFYING THE SEXUAL DESIRE OF EITHER PARTY.  
12
- 13 3. "SEXUAL EXPLOITATION" MEANS CAUSING BY  
14 MISREPRESENTATION, COERCION, THREAT OF FORCE, MONEY,  
15 PERSONAL GAIN, OR OTHERWISE, A PERSON TO OFFER OR PROVIDE  
16 SEXUAL SERVICES FOR PAY.  
17
- 18 4. "SEXUAL SERVICES" MEANS ANY FORM OF SEXUAL CONTACT  
19 INCLUDING INTERCOURSE, PENETRATION, OR ANY TOUCHING OF  
20 ANY PERSON, BY ONESELF OR ANOTHER, FOR THE PURPOSE OF  
21 SEXUAL AROUSAL OR GRATIFICATION, AGGRESSION,  
22 DEGRADATION OR SIMILAR PURPOSE.  
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19. **COUNT THREE-FOREIGN TRANSPORTATION OF A PERSON IN  
EXECUTION OF A SCHEME TO DEFRAUD: ELEMENTS OF THE OFFENSE**

THE DEFENDANT IS CHARGED IN COUNT THREE WITH FOREIGN  
TRANSPORTATION OF A PERSON IN EXECUTION OF A SCHEME TO DEFRAUD, IN  
VIOLATION OF TITLE 18, SECTION 2314 OF THE UNITED STATES CODE. IN ORDER  
FOR THE DEFENDANT TO BE FOUND GUILTY OF THAT CHARGE, THE  
GOVERNMENT MUST PROVE EACH OF THE FOLLOWING ELEMENTS BEYOND A  
REASONABLE DOUBT:

*FIRST, THE DEFENDANT MADE UP A SCHEME OR PLAN FOR OBTAINING  
MONEY BY MAKING FALSE PROMISES OR STATEMENTS, WITH ALL OF YOU  
AGREEING ON AT LEAST ONE OF THE PARTICULAR FALSE PROMISES OR  
STATEMENTS THAT WAS MADE;*

*SECOND, THE PROMISES OR STATEMENTS WERE MATERIAL, THAT IS THEY  
WOULD REASONABLY INFLUENCE A PERSON TO PART WITH MONEY OR  
PROPERTY;*

*THIRD, THE DEFENDANT ACTED WITH THE INTENT TO DEFRAUD; AND*

*FOURTH, ON OR ABOUT THE DATE ALLEGED IN THE COUNT YOU ARE  
CONSIDERING, THE DEFENDANT TRANSPORTED, OR INDUCED PERSONS TO  
TRAVEL IN INTERSTATE OR FOREIGN COMMERCE IN THE EXECUTION OR  
CONCEALMENT OF THE SCHEME OR PLAN TO DEFRAUD SUCH PERSONS OF  
MORE THAN \$5,000.*

1 **20. DEFINITION: KNOWINGLY**

2 AN ACT IS DONE KNOWINGLY IF THE DEFENDANT IS AWARE OF THE ACT  
3 AND DOES NOT ACT THROUGH IGNORANCE, MISTAKE, OR ACCIDENT. THE  
4 GOVERNMENT IS NOT REQUIRED TO PROVE THAT THE DEFENDANT KNEW THAT  
5 HER ACTS OR OMISSIONS WERE UNLAWFUL. YOU MAY CONSIDER EVIDENCE OF  
6 THE DEFENDANT'S WORDS, ACTS, OR OMISSIONS, ALONG WITH ALL THE OTHER  
7 EVIDENCE, IN DECIDING WHETHER THE DEFENDANT ACTED KNOWINGLY.  
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1 **21. DEFINITION: INTENT TO DEFRAUD**

2 AN INTENT TO DEFRAUD IS AN INTENT TO DECEIVE OR CHEAT.  
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1 **22. JURY TO BE GUIDED BY OFFICIAL ENGLISH TRANSLATION**

2 LANGUAGES OTHER THAN ENGLISH HAVE BEEN USED IN THIS TRIAL.  
3 THE EVIDENCE YOU ARE TO CONSIDER IS ONLY THAT PROVIDED THROUGH THE  
4 OFFICIAL COURT TRANSLATORS. ALTHOUGH SOME OF YOU MAY KNOW THE  
5 NON-ENGLISH LANGUAGE USED, IT IS IMPORTANT THAT ALL JURORS CONSIDER  
6 THE SAME EVIDENCE. THEREFORE, YOU MUST BASE YOUR DECISION ON THE  
7 EVIDENCE PRESENTED IN THE ENGLISH TRANSLATION. YOU MUST DISREGARD  
8 ANY DIFFERENT MEANING OF THE NON-ENGLISH WORDS.  
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10 WITH REGARDS TO THE RECORDING OF A FOREIGN LANGUAGE  
11 CONVERSATION, YOU ARE NOT FREE TO DISAGREE WITH THE TRANSLATED  
12 TRANSCRIPT OF THAT RECORDING.  
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1 **23. EACH COUNT A SEPARATE CRIME**

2 A SEPARATE CRIME IS CHARGED AGAINST THE DEFENDANT IN EACH  
3 COUNT. YOU MUST DECIDE THE CASE ON EACH CRIME CHARGED AGAINST THE  
4 DEFENDANT SEPARATELY. YOUR VERDICT ON ANY COUNT SHOULD NOT  
5 CONTROL YOUR VERDICT ON ANY OTHER COUNT. ALL OF THE INSTRUCTIONS  
6 APPLY TO EACH COUNT UNLESS I INSTRUCT YOU OTHERWISE.  
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1   **24.   CONDUCT OF DELIBERATIONS**

2           WHEN YOU BEGIN YOUR DELIBERATIONS, YOU SHOULD ELECT ONE  
3 MEMBER OF THE JURY AS YOUR FOREPERSON. THAT PERSON WILL PRESIDE  
4 OVER THE DELIBERATIONS AND SPEAK FOR YOU HERE IN COURT. YOU WILL  
5 THEN DISCUSS THE CASE WITH YOUR FELLOW JURORS TO REACH AGREEMENT IF  
6 YOU CAN DO SO. YOUR VERDICT, WHETHER GUILTY OR NOT GUILTY, MUST BE  
7 UNANIMOUS.  
8

9           EACH OF YOU MUST DECIDE THE CASE FOR YOURSELF, BUT YOU SHOULD  
10 DO SO ONLY AFTER YOU HAVE CONSIDERED ALL OF THE EVIDENCE, DISCUSSED  
11 IT FULLY WITH THE OTHER JURORS, AND LISTENED TO THE VIEWS OF YOUR  
12 FELLOW JURORS.  
13

14           DO NOT BE AFRAID TO CHANGE YOUR OPINION IF THE DISCUSSION  
15 PERSUADES YOU THAT YOU SHOULD, BUT DO NOT COME TO A DECISION SIMPLY  
16 BECAUSE OTHER JURORS THINK IT IS RIGHT.  
17

18           IT IS IMPORTANT THAT YOU ATTEMPT TO REACH A UNANIMOUS VERDICT  
19 BUT, OF COURSE, ONLY IF EACH OF YOU CAN DO SO AFTER HAVING MADE YOUR  
20 OWN CONSCIENTIOUS DECISION. DO NOT CHANGE AN HONEST BELIEF ABOUT  
21 THE WEIGHT AND EFFECT OF THE EVIDENCE SIMPLY TO REACH A VERDICT.  
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1   **25.   JUROR NOTES**

2           SOME OF YOU HAVE TAKEN NOTES DURING THE TRIAL. WHETHER OR NOT  
3   YOU TOOK NOTES, YOU SHOULD RELY ON YOUR OWN MEMORY OF WHAT WAS  
4   SAID. NOTES ARE ONLY TO ASSIST YOUR MEMORY. YOU SHOULD NOT BE  
5   OVERLY INFLUENCED BY THE NOTES.  
6

1 **26. PUNISHMENT IRRELEVANT**

2 THE PUNISHMENT PROVIDED BY LAW FOR THIS CRIME IS FOR THE COURT  
3 TO DECIDE. YOU MAY NOT CONSIDER PUNISHMENT IN DECIDING WHETHER THE  
4 GOVERNMENT HAS PROVED ITS CASE AGAINST THE DEFENDANT BEYOND A  
5 REASONABLE DOUBT.  
6

1 **27. BASIS OF VERDICT**

2 YOUR VERDICT MUST BE BASED SOLELY ON THE EVIDENCE AND ON THE  
3 LAW AS I HAVE GIVEN IT TO YOU IN THESE INSTRUCTIONS. HOWEVER, NOTHING  
4 THAT I HAVE SAID OR DONE IS INTENDED TO SUGGEST WHAT YOUR VERDICT  
5 SHOULD BE—THAT IS ENTIRELY FOR YOU TO DECIDE.  
6

1 **28. VERDICT FORM**

2 A VERDICT FORM HAS BEEN PREPARED FOR YOU. AFTER YOU HAVE  
3 REACHED UNANIMOUS AGREEMENT ON A VERDICT, YOUR FOREPERSON WILL  
4 FILL IN THE FORM THAT HAS BEEN GIVEN TO YOU, SIGN AND DATE IT, AND  
5 ADVISE THE BAILIFF THAT YOU ARE READY TO RETURN TO THE COURTROOM.  
6

1 **29. COMMUNICATION WITH THE COURT**

2 IF IT BECOMES NECESSARY DURING YOUR DELIBERATIONS TO  
3 COMMUNICATE WITH ME, YOU MAY SEND A NOTE THROUGH THE BAILIFF,  
4 SIGNED BY YOUR FOREPERSON OR BY ONE OR MORE MEMBERS OF THE JURY. NO  
5 MEMBER OF THE JURY SHOULD EVER ATTEMPT TO COMMUNICATE WITH ME  
6 EXCEPT BY A SIGNED WRITING, AND I WILL RESPOND TO THE JURY CONCERNING  
7 THE CASE ONLY IN WRITING, OR HERE IN OPEN COURT. IF YOU SEND OUT A  
8 QUESTION, I WILL CONSULT WITH THE LAWYERS BEFORE ANSWERING IT, WHICH  
9 MAY TAKE SOME TIME. YOU MAY CONTINUE YOUR DELIBERATIONS WHILE  
10 WAITING FOR THE ANSWER TO ANY QUESTION. REMEMBER THAT YOU ARE NOT  
11 TO TELL ANYONE—INCLUDING ME—HOW THE JURY STANDS, NUMERICALLY OR  
12 OTHERWISE, ON THE QUESTION OF THE GUILT OF THE DEFENDANT, UNTIL AFTER  
13 YOU HAVE REACHED A UNANIMOUS VERDICT OR HAVE BEEN DISCHARGED.  
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